

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOANNE MILLER
2015 Welsh Road, Unit A-1
Philadelphia, PA 19115**

CASE NO.:

Plaintiff

CIVIL ACTION

v.

**UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza SW
Washington, DC 20260**

And

**CHRISTOPHER WASIECZKO
2168 Fanshawe Street
Philadelphia, PA 19149**

Defendants.

CIVIL ACTION COMPLAINT

Plaintiff, Joanne Miller, by and through her undersigned counsel, brings this action for the recovery of monetary damages for personal injuries against the defendants, United States Postal Service and Christopher Wasieczko, pursuant to 28 U.S.C. §2671, et seq., as follows:

1. JURISDICTION AND VENUE

1. This Court has original and exclusive jurisdiction of this matter pursuant to 28 U.S.C. §1346(b).

2. Plaintiff, Joanne Miller, ("Ms. Miller"), resides within the Eastern District of Pennsylvania, and the acts and omissions giving rise to the alleged damages sustained by Ms. Miller occurred in the Eastern District of Pennsylvania.

3. Defendant, Christopher Wasieczko, ("Mr. Wasieczko"), resides within the Eastern District of Pennsylvania, and the acts and omissions giving rise to the alleged damages sustained by Ms. Miller, occurred in the Eastern District of Pennsylvania.

4. The Court has personal jurisdiction over Defendant, United States Postal Service, ("USPS"), because it is a governmental agency of the United States of America.

5. Venue is proper in this District pursuant to 28 U.S.C. §1402(b).

II. THE PARTIES

6. Ms. Miller is an adult individual who resides at 2015 Welsh Road, Unit A-1, Philadelphia, PA 19115.

7. The USPS is an agency of the United States of America, with a business address of 475 L'Enfant Plaza SW, Washington, DC 20260.

8. Mr. Wasieczko, is an adult individual who resides at 2168 Fanshawe Street, Philadelphia, PA 19149, and at the time of the accident was an employee of the USPS.

III. COMPLIANCE WITH THE CLAIMS PROCEDURE

9. Ms. Miller filed a claim with the United States Postal Service, pursuant to the Federal Tort Claims Act (28 U.S.C. §2671, et seq.), by completing the "Claim for Damage, Injury or Death" form, a copy of which is attached hereto as Exhibit "A".

10. On May 21, 2020, the Tort Claims Coordinator for USPS acknowledged receipt of Ms. Miller's claim but, to date, has not rejected or accepted the claim.

IV. OPERATIVE FACTS

11. Mr. Wasieczko was acting within the course and scope of his employment and agency with the USPS at the time of the accident described below.

12. Ms. Miller is informed and believes that Mr. Wasieczko was authorized to and did operate a motor vehicle in order to perform his duties on behalf of the USPS, more specifically, a General Motors LLV Truck, furthered identified by VIN No: 1GBCS10A1P2921376, at the time of the accident described below.

13. On or about August 9, 2018, Ms. Miller, while operating a motor vehicle on Endicott Street at or about its intersection with Herschel Road, was struck on the passenger side of her vehicle by the United States Postal Service vehicle identified in averment #11 above, which was being operated by Mr. Wasieczko.

14. As a direct result of the impact, Ms. Miller, sustained serious injuries, including a concussion and injuries to her neck and low back.

V. COUNT I - NEGLIGENCE

15. Ms. Miller incorporates herein by reference averments 1-14 above as if fully set forth at length.

16. The accident was caused solely by the carelessness and negligence of the Defendants, as set forth below, and was in no way caused by any careless or negligent act or omission on the part of Ms. Miller.

17. Ms. Miller's injuries and damages were caused by the negligent and careless conduct, acts and/or omissions on the part of the Defendants, as follows:

- (a) failing to operate a motor vehicle in a careful and cautious manner;
- (b) failing to maintain a motor vehicle under proper and adequate control;

- (c) operating a motor vehicle without regard for the safety and position of Ms. Miller and her vehicle;
- (d) failing to maintain a proper lookout ahead;
- (e) failing to stop his motor vehicle in sufficient time to avoid the collision;
- (f) operating his motor vehicle while impaired;
- (g) driving inattentively while operating his motor vehicle;
- (h) traveling at an excessive rate of speed;
- (i) failing to exercise the judgment, care and skill of a reasonable person under similar circumstances; and
- (j) such other negligent and careless conduct, acts and/or omissions as may be revealed upon further investigation and/or discovery in this action.

18. As a result of the negligence and carelessness of the Defendants, Ms. Miller sustained personal injuries including, but not limited to, a concussion, neck and low back pain and spasms, all or some of which may be permanent and all which may cause her to be unable to attend to her usual daily activities, to her great detriment and loss.

19. As a further result of the negligence of the Defendants, Ms. Miller has suffered and will continue to suffer in the future great pain and suffering, mental anguish, anxiety and humiliation to her great detriment and loss.

20. As a further result of the negligence of the Defendants, Ms. Miller has been and may in the future be obliged to spend various sums of money for medical care and treatment in an effort to cure herself of her injuries, to her great detriment and loss.

21. As a further result of the negligence of the Defendants, Ms. Miller has or may hereafter incur other financial losses or expenses which she may otherwise not be entitled to recover, to her great detriment and loss.

22. As a further result of the negligence of the Defendants, Ms. Miller has suffered a loss of past wages and may suffer a loss of future earning capacity, to her great detriment and loss.

23. As a further result of the negligence of the Defendants, Ms. Miller has suffered a diminution in her ability to enjoy life and life's pleasures, to her great detriment and loss,

WHEREFORE, Plaintiff, Joanne Miller, demands judgment in her favor against Defendants, the United States Postal Service and Christopher Wasieczko, jointly and severally, for all actual and compensatory damages in an amount not exceeding the prevailing federal arbitration limit, together with such other relief as this Honorable Court deems just and proper under the circumstances.

FRIEDMAN SCHUMAN, P.C.

Date: 08/06/2020

By:

Robert H. Nemerooff

Robert H. Nemerooff (Atty. # 34681)
101 Greenwood Avenue, 5th Floor
Jenkintown, PA 19046
P: 215-690-3827
E: rnemerooff@fsalaw.com
Attorney for Plaintiff